

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOEHRINGER INGELHEIM INTERNATIONAL)
GMBH and BOEHRINGER INGELHEIM)
PHARMACEUTICALS, INC.,)
)
Plaintiffs,)
v.)
MYLAN PHARMACEUTICALS INC.,)
)
Defendant.)

C.A. No. 05-854 (JJF)

[PROPOSED] FINAL JUDGMENT

Consolidated actions were tried on March 11-13, 2008 before the Honorable Joseph J. Farnan. On August 13, 2008, Civil Action No. 05-700 (JJF) was dismissed pursuant to a Settlement Agreement between Plaintiffs Boehringer Ingelheim International GmbH and Boehringer Ingelheim Pharmaceuticals, Inc. ("Plaintiffs") and Defendant Barr Laboratories, Inc. (D.I. 258). In Civil Action No. 05-854 (JJF), the Court having considered the evidence and argument presented at trial, as well as the arguments of counsel and the papers and pleadings on file,

IT IS HEREBY ORDERED AND ADJUDGED:

- (1) that Defendant Mylan Pharmaceuticals Inc. ("Mylan") has infringed claims 3, 4, 5, 7, 9, and 10 of U.S. Patent No. 4,886,812 ("the '812 patent") by the filing of Abbreviated New Drug Application No. 77-854;
 - (2) that claims 3, 4, 5, 7, 9, and 10 of the '812 patent are invalid for obviousness-type double patenting based on U.S. Patent No. 4,843,086 ("the '086 patent");
- and

- (3) that the Terminal Disclaimer filed by Boehringer with the PTO with respect to the '812 patent does not obviate obviousness-type double patenting.

Dated this ____ day of August, 2008.

The Honorable Joseph J. Farnan, Jr.
United States District Judge
District of Delaware